

ASSEMBLY BILL

No. 382

Introduced by Assembly Member Ammiano

February 23, 2009

An act to amend Section 2636 of the Penal Code, relating to the Department of Corrections and Rehabilitation.

LEGISLATIVE COUNSEL'S DIGEST

AB 382, as introduced, Ammiano. Department of Corrections and Rehabilitation: inmates and wards: classification.

Existing law requires the Department of Corrections and Rehabilitation to classify inmates and wards in order to prevent inmate and ward sexual violence and to promote inmate and ward safety, as specified. Existing law also requires the department to consider certain specified characteristics of the inmate or ward when classifying the inmate.

This bill would add the sexual orientation and gender identity of the inmate or ward to the list of characteristics to be considered.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 2636 of the Penal Code is amended to
- 2 read:
- 3 2636. For the purposes of this section, all references to
- 4 classification of wards shall take effect upon the adoption of a
- 5 classification system for wards developed by the Department of

1 Corrections and Rehabilitation in compliance with Farrell v. Allen,
2 Alameda County Superior Court Case No. RG 03079344.

3 The following practices shall be instituted to prevent sexual
4 violence and promote inmate and ward safety in the Department
5 of Corrections and Rehabilitation:

6 (a) The Department of Corrections and Rehabilitation inmate
7 classification and housing assignment procedures shall take into
8 account risk factors that can lead to inmates and wards becoming
9 the target of sexual victimization or of being sexually aggressive
10 toward others. Relevant considerations include:

11 (1) Age of the inmate or ward.

12 (2) *Sexual orientation and gender identity of the inmate or ward.*

13 ~~(2)~~

14 (3) Whether the offender is a violent or nonviolent offender.

15 ~~(3)~~

16 (4) Whether the inmate or ward has served a prior term of
17 commitment.

18 ~~(4)~~

19 (5) Whether the inmate or ward has a history of mental illness.

20 (b) The Department of Corrections and Rehabilitation shall
21 ensure that staff members intervene when an inmate or ward
22 appears to be the target of sexual harassment or intimidation.